

Sec. 4-15. Running at large prohibited.

(a)

No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city (**unless expressly authorized under Sec 4-16a or Sec 4-16d.**) Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.

(b)

As used in this section, the term "at large" shall mean the dog is off the premises of its owner or keeper and not under the direct control of a competent person by a leash not exceeding six feet in length.

(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)

Sec. 4-16a. Dogs **allowed on public beaches at certain times.**

1. Leashed dogs under the direct control of their owners by a leash in hand not exceeding sixteen (16) feet in length shall be allowed on all public beaches from September 16th to April 30th.

OPTION 1 Unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach from; **September 16th to April 30th, annually subject to the following conditions:**
Off leash sunrise to 9AM and 3PM to sunset

OPTION 2 Unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach from; **October 1 to April 30th, annually subject to the following conditions:**
Off leash Sunrise to 9AM and 2PM to sunset

- 1- Owners must remain with and monitor their dogs. Owners, per the below conditions define persons with direct care, custody, and control of a dog while in a designated off leash area.
- 2- Dogs must be licensed and vaccinated as required by applicable law and ordinance.
- 3- Dogs must wear their tags and have no contagious conditions, diseases or parasites.
- 4- Dogs must be leashed when entering and exiting a designated off leash area.
- 5- Dogs and humans are not allowed in the dunes.
- 6- Dogs with a history of dangerous or aggressive behavior as determined by Animal Control are prohibited.
- 7- Dogs younger than four (4) months are not allowed.

- 8- Unaltered male dogs or female dogs in heat are not allowed.
- 9- Owners must immediately remove dogs who are exhibiting aggressive behavior.
- 10-Owners must carry a leash; one leash per dog is required.
- 11-Maximum of two (2) unleashed dogs per owner.
- 12-Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dogs waste.
- 13-Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.**
- 14-Owners must fill in any holes dug by your dog(s).
- 15- Any violation of the above conditions shall be subject to a fine of \$50.00, 1st offense, \$100.00 for any subsequent offense(s), and dog may have off leash privilege revoked by Animal Control.

Fines for violations will be double in season, for beaches and other off leash areas as determined.

(Ord. No. 95-1998, § I, 7-7-1998; Ord. of 7-23-2002, § I)

Editor's note—

Ord. No. 95-1998, § I, adopted July 7, 1998, repealed the former § 4-16 and enacted §§ 4-16a and 4-16b as set out herein. Section 4-16 pertained to dogs prohibited on beaches at certain times and derived from § II of an ordinance adopted February 8, 1977, and § 2 of an ordinance adopted August 11, 1981.

Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.

Dogs shall be prohibited from all city-owned cemeteries at all times.

(Ord. No. 95-1998, § I, 7-7-1998)

Sec. 4-16c. Dogs prohibited on athletic fields.

Dogs shall be prohibited from all city-owned athletic fields at all times.

(Ord. of 1-22-2002(01), § I)

Sec. 4-16d. Off-leash dog areas.

Unless otherwise expressly authorized under this ordinance, the department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog

areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.

(Ord. of 10-12-2010(01))

Sec. 4-17. Female dogs in heat to be confined.

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)

Sec. 4-18. Impoundment; notice to owner; transfer of custody.

(a)

The city's dog officer shall catch and confine any dog found to be in violation of any provision of this article. When any dog has been impounded, the owner shall be notified within 24 hours of the violation and fine which is being assessed. The owner or keeper of an impounded dog shall have ten days in which to recover the dog.

(b)

Except as provided below, any dog which is held in confinement by the dog officer that shall not have been claimed by the owner or keeper at the end of the ten day period shall be transferred to the care and control of the Massachusetts Society for the Prevention of Cruelty to Animals or some other similar organization, or to any person offering to pay the fee for confinement. In no case shall a dog be sold or delivered to or given to any person or organization intending to use the dog or vivisection purposes.

(c)

Impoundment under this chapter shall also include the placement by the dog officer of the dog in a kennel licensed by the commonwealth.

(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)

***Sec. 4-19. Redemption of impounded dogs.**

(a)

No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:

(1) For the first offense: \$10.00; **\$50.00**

(2) For **any subsequent offense(s)**: \$30.00; **\$100.00**

(b)

In case of the first and each succeeding violation, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines **and proof of valid license**. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

(c)

Notwithstanding the provisions of this section to the contrary, no dog so confined shall be released prior to the payment of confinement and care charges of the actual contract cost to the city of confining, impounding or boarding the dog.

(d)

The provisions of this article shall not apply to any person or organization who owns, keeps or maintains any dog as part of a canine corps for the commonwealth or any of its political subdivisions while actually engaged in the performance of official duties.

(Ord. of 2-8-1977, § 1; Ord. of 11-1-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)

Sec. 4-20. Pound; dog officer.

(a)

The city shall make provision **to shelter** stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the **shelter** shall incorporate the regular services of a licensed veterinarian.

(b)

The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored.

(Ord. of 2-8-1977, § III; Ord. of 8-11-1981, § 3; Ord. of 4-18-1989, § I)

Cross reference— *Officers and employees, § 2-40.*

State law reference— *Animal pounds generally, M.G.L. c. 49, § 22 et seq.; dog officers generally, M.G.L. c. 140, § 151.*

Sec. 4-21. Dog fouling.

(a)

Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any private property neither owned nor occupied by said person.

(b)

Duty to possess means of removal. No person, who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who, owns, possesses or controls such dogs, shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in storm drains is prohibited.

(c)

Method of removal and disposal. For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces, or as otherwise designated as appropriate by the agent of the board of health.

(d)

Fines for violation. Violation of this regulation shall be punished by a fine of (\$50.00) for the first offense and (\$100.00) for any subsequent offense(s)

Fines for violation of beach conditions shall be punished by a fine of \$50.00 for the first offense and \$100.00 for any subsequent offense(s).

Fines for violations will be double in season, for beaches and other off leash areas as determined.

Section 4-18(a), impoundment, does not apply to violations of this section.

(e)

Enforcement. Violations of this section shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced noncriminally pursuant to M.G.L. c. 40, § 21D and as provided in section 1-15, rather than by a criminal complaint in district court.

(f)

Exemption. This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his handicap, is physically unable to comply with the requirements of this section.

(g)

Severability. The provisions of this section are severable; and, if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(h)

Notification. Upon licensing of a dog, the owner shall be given subsections (a) through (h) of this section by the dog officer, city clerk or person issuing the license.

(Ord. No. 13-1994, § 1, 8-9-1994)

Sec. 4-22. Fees and penalties.

(a)

Revised fees for dog licenses, effective July 1, 2002. Male/female/neutered/spayed, each dog:

Late penalty, effective April 30, 1993. The owner shall pay a penalty of \$10.00 for any dog whose license fee has not been paid by April 30 of the current licensing renewal year.

(Ord. of 3-16-1993; Ord. No. 121-1998, § I, 9-29-1998; Ord. of 5-28-2002(06), § I; Ord. of 6-6-2006)

FOOTNOTE(S):

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Cross reference— Chief of police to act as dog constable, § 17-21; dogs prohibited in school grounds or buildings, § 18-6.
[\(Back\)](#)

State Law reference— Municipal authority to regulate dogs, M.G.L. c. 140, § 173. [\(Back\)](#)

Sec. 1-15. Penalty for violation of certain specified sections of Code.

Violation of the Code sections set forth in this section may be enforced noncriminally by way of the ticketing procedures set forth in M.G.L. c. 40, § 21D. For the purpose of this section the specific penalty which is to apply for a violation of each such section shall be as listed below and the municipal officers or employees whose titles are listed under such section shall be deemed to be enforcing officers for each such section:

Chapter 4, section 4-16a. Dogs allowed on public beaches at certain times.

[Chapter 4, section 4-21, dog fouling.](#)

Penalty:

First offense \$50.00

Subsequent offense(s), \$100.00.

The enforcement officer for violation is the animal control officer.

[Chapter 5, article II, section 5-19, inspections of buildings erected on pilings.](#)

Each day a violation continues will be treated as a separate offense. A violation of this ordinance shall be \$300.00 per day and/or condemnation of the building.

[Chapter 5, article II, division 4, sections 5-35—5-39.3, vacant buildings.](#)